

600 KAR 6:030. Federal requirements for contracts for engineering or engineering-related services.

RELATES TO: KRS 45A.800-45A.835, 23 C.F.R. 172, 49 C.F.R. 18

STATUTORY AUTHORITY: KRS 45A.807(2), 23 C.F.R. 172, 49 C.F.R. 18

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.807(2) requires the Transportation Cabinet to promulgate administrative regulations to implement the procurement of engineering services pursuant to KRS 45A.800 to 45A.835. This administrative regulation establishes the federal requirements to be followed by the Transportation Cabinet relating to contracts for engineering or engineering-related services.

Section 1. Federal Regulatory Requirements. (1) If a highway project is funded in part by federal-aid funds, the cabinet shall be regulated by Title 23 of the United States Code and by 23 C.F.R. 172 and 49 C.F.R. 18 in regard to the selection of a consultant.

(2) The cabinet shall submit justification and receive approval from the FHWA before using the noncompetitive negotiated method of contracting if federal-aid highway funds are used in the contract. A contract in which federal-aid highway funds may be awarded by noncompetitive negotiation shall be limited to contracts for which FHWA approval has been received if:

(a) The service is available only from a single source;

(b) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or

(c) After solicitation of a number of sources, competition is determined to be inadequate. (22 Ky.R. 1406; 1840; eff. 4-5-1996; 33 Ky.R. 542; 1309; eff. 11-9-2006; Crt eff. 4-1-2019.)